

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD**  
**MINUTES OF MEETING**  
**May 17, 2006**  
**PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 17, 2006, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

**Members Present:**

Sheriff Gary Butler, Chairman  
Deputy Director Gary Phelps, representing Director Dora Schriro  
Detective Robert Thompson  
Mr. Joseph Duarte  
Dr. Michael Polakowski  
Chief Patricia Huntsman  
Chief Jerry Sheridan  
Director Roger Vanderpool  
Assistant Chief Andy Anderson, representing Chief Jack Harris  
Mr. Tim Black, representing Attorney General Terry Goddard  
Sgt. Tamatha Villar  
Ms. Wendy Larsen

**Members Absent:**

Sheriff Clarence Dupnik

**Staff in Attendance:**

Bob Forry  
Ted Brandon  
Steve Jacobs  
Lynn Larson  
Curt Milam  
Gary Maschner  
Rosalee Fitch  
Ed Felix  
Marie Dryer  
Donna Freed  
Sandy Sierra  
Tom Hammarstrom  
Rick Watling

Assistant Attorney General  
Diana Stabler

Guest Roster:

Commander Branch, COTA  
Sgt. Matt Thomas, CARLOTA  
Director Rod Johnston, CARLOTA  
Daniel Pereda

A. CALL TO ORDER

Chairman Gary Butler convened the meeting at 10:04 a.m.

Director Tom Hammarstrom introduced new board member Ms. Wendy Larsen. Ms. Larsen was appointed to fill the public member position vacated by Ms. Lisa Flores.

Director Hammarstrom also introduced the new director of CARLOTA, Mr. Rod Johnston.

B. CONSENT AGENDA

Approved unanimously, motion made by Jerry Sheridan, seconded by Patricia Huntsman.

1. Minutes of the Regular Board meeting, held on March 15, 2006, were approved as written.
2. Minutes of the Charging Board meeting, held on April 19, 2006, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, June 21, 2006, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, July 12, 2006, 10 a.m. at Little America Hotel, located at Butler and I-10, Flagstaff, AZ.

4. Ministerial Actions:
  - a. Certification Waivers: LIST ATTACHED TO MINUTES.
  - b. Instructor Certification Renewals: LIST ATTACHED TO MINUTES.

- c. Training Program Confirmations: LIST ATTACHED TO MINUTES.
- 5. Decertification Case Status Report Update – As of April 28, 2006, the Compliance and Standards Unit had a caseload of 151 active cases. 14 cases are ready for initial presentation; 51 cases need further investigation; 18 cases are pending service of or response to a Notice of Complaint or Decision; 9 cases are pending hearing; 8 cases are ready for final action, and 51 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
- 6. Income and Expense Statement – January 2006
 

Funds as of January 1, 2006	\$ 2,143,555.05
CJEF Revenue	632,992.56
Expenditures/Encumbrances	(609,425.69)
Balance for January 31, 2006	\$ 2,167,121.92

#### C. REGULAR AGENDA

- 1. Positive Adjustments for the POST 2005/2006 Fiscal Year Budget. Director Hammarstrom provided the Board with an update on this year's budget. Actual revenue for 2005/2006 is currently expected to exceed projections by \$954,000. Additionally, several categories of approved expenditure, particularly the basic training category, have been underutilized resulting in an overall projected surplus of \$1,555,000 by the end of the fiscal year. With this surplus staff recommends the following three projects for funding under the "Positive Adjustment" category:
  - 1. Initiation of the IACP "Leadership in Police Organization" leadership program through contract with the IACP to provide a three week "train the trainer" program. This will create a cadre of 24 approved trainers for the program. The program will be aimed at lieutenants and above, and in cooperation with the RCPI, will become an annual offering of POST and the Institute. POTF cost share = \$55,000.00
  - 2. Enter into a partnership with the Phoenix Police Department for enhancement of the Phoenix Police/ALEA Driver training track to double the training capacity of the current facility. POTF cost share = \$750,000.00
  - 3. Enter into a partnership with the Yavapai County Sheriff's Office to construct a driver training facility at the Yavapai

County Fairgrounds for use by Northern Arizona agencies, and NARTA. POTF cost share = \$750,000.00

Director Vanderpool moved to approve staff recommendations for Positive Adjustments to the 2005/2006 budget, seconded by Sgt. Villar, motion carried unanimously.

2. Proposed 2006/2007 Fiscal Year Budget.  
The Arizona POST Finance Advisory Group met on April 20, 2006, and reviewed the attached 2006/2007 budget in its entirety. The Advisory Group voted unanimously to recommend that the Board adopt the proposed budget.

Director Hammarstrom presented the 2006/2007 fiscal year budget to the Board for its approval. Included in this budget request are an additional Compliance Specialist position and an additional contract position for the In-Service Training section.

Mr. Black moved to adopt the proposed 2006/2007 Arizona POST budget, seconded by Chief Sheridan, motion carried unanimously.

3. Mohave Regional Police Academy. R13-4-116.H requires an on-site inspection by Board staff before an academy provides training to persons seeking certification for any category of peace officer. This inspection also determines compliance with R13-4-114.

AZ POST staff has determined that the Mohave Regional Police Academy has met all the requirements of R13-4-114 and R13-4-116.H.

Sgt. Villar made a motion to determine that the Mohave Regional Police Academy meets the standards of R13-4-116.H and the academy may provide the basic training required to receive certified peace officer status. The motion was seconded by Chief Sheridan and carried unanimously.

#### D. LEGISLATIVE UPDATE

Director Hammarstrom stated there is legislation dealing with immigration being discussed at this time, but nothing has yet been signed into law.

#### E. SUMMARY OF CURRENT EVENTS

No report.

#### F. COMMITTEE UPDATE

No report.

## G. REPORTS

### 1. Basic Training

CARLOTA – Sgt. Matt Thomas reported that CARLOTA has a new director – Mr. Rod Johnston. A class of 20 cadets graduated on May 5, 2006. On May 26, 2006, another class will graduate. Director Vanderpool congratulated Sgt. Thomas for the outstanding job he's done at CARLOTA as interim director.

COTA – Commander Branch reported 103 have graduated 7 classes currently running. Waiver program approved – 45 cadets put through this program which resulted in \$185,000 savings to the state. Canine academy graduated recently.

### 2. Department of Corrections – Mr. Phelps reported that the competition for detention officers is very intense. DOC should have approximately 6200 officers and it has only 4600. They are losing one officer a day. Its overtime budget went from 18 million to 41 million this year. There is a current pay plan before the legislature to help make DOC more competitive with other agencies.

## H. FINAL ACTION CASES: Consideration and possible action on the certified status of peace officers.

Case #1 – Greg Flores. *Director Vanderpool recused himself from participation and voting on this case.* The Board Considered comments from Assistant Attorney General Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement, Order and Decision for voluntary surrender of peace officer certification until lapse, April 22, 2007, three years from date of retirement from the Department of Public Safety, seconded by Mr. Black, motion carried unanimously.

Case #2 – John R. Martinez. The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Consent Agreement, Order and Decision for voluntary relinquishment of peace officer certification, seconded by Sgt. Villar, motion carried unanimously.

Case #3 – Juan Rivera. *Assistant Chief Andy Anderson recused himself from participation and voting on this case.* The Board considered comments from Assistant A. G. Diana Stabler. Mr. Black made a motion to adopt the Consent Agreement, Order and Decision for voluntary

relinquishment of peace officer certification, seconded by Director Vanderpool, motion carried unanimously.

Case #4 – Mark L. Berryman. The Board considered comments from Assistant A. G. Diana Stabler. Sgt. Villar made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #5 – Daniel G. Pereda. *Director Vanderpool recused himself from participation and voting on this case.* The Board considered comments from Mr. Pereda and Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year, beginning September 30, 2004, seconded by Sgt. Villar, motion carried with one nay vote.

Case #6 – Erumn Tahe. Dr. Polakowski made a motion to adopt the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Sgt. Villar, motion carried unanimously.

Case #7 – Robert M. Wolford. *Director Vanderpool and Mr. Phelps recused themselves from participation and voting on this case.* Sgt. Villar made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #8 – William A. Pearson. The Board considered comments from Mr. Pearson and Assistant A.G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sgt. Villar, motion carried unanimously.

I. NEW CHARGING CASES: Consideration of Complaints against peace officer certification based upon reports of misconduct.

Case #1 – Robert W. Augenstein Jr. Mr. Black made a motion to close the case with *No Action*, seconded by Dr. Polakowski, motion carried 10-1.

Case #2 – Christine L. Bedonie. Mr. Black made a motion to *Initiate Proceedings*, seconded by Dr. Polakowski, motion carried 10-1. Mr. Black requested that staff negotiate a settlement agreement on this case.

Case #3 – Phillip Bedonie, Jr. Mr. Black made a motion to *Initiate Proceedings*, seconded by Dr. Polakowski, motion carried unanimously. Mr. Black requested that staff negotiate a settlement agreement on this case.

Case #4 – Richard D. Boulden. Sgt. Villar made a motion to close the case with *No Action*, seconded by Director Vanderpool, motion carried unanimously.

Case #5 – Michael A. Carribon. *Assistant Chief Andy Anderson recused himself from participation and voting on this case* Chief Sheridan made a motion to *Initiate Proceedings*, seconded by Chief Huntsman, motion carried unanimously.

Case #6 – Sean J. Gray. Mr. Black made a motion to *Initiate Proceedings*, seconded by Dr. Polakowski, motion carried unanimously.

Case #7 – John E. Hert. Dr. Polakowski made a motion to close the case with *No Action with Agency Discretion*, seconded by Mr. Duarte, motion carried unanimously.

Case #8 – Barrett D. Mallaburn. Mr. Phelps made a motion to close the case with *No Action with Agency Discretion*, seconded by Chief Huntsman, motion carried unanimously.

Case #9 – David S. Mansur. *Chief Sheridan recused himself from participation and voting on this case.* Mr. Black made a motion to *Initiate Proceedings*, seconded by Dr. Polakowski, motion carried unanimously.

Case #10 – Jack R. McClaren. *Sgt. Villar and Director Vanderpool recused themselves from participation and voting on this case.* Mr. Black made a motion to *Initiate Proceedings*, seconded by Chief Sheridan, motion carried unanimously.

Case #11 – Darrell N. McRae. Director Vanderpool made a motion to *Initiate Proceedings*, seconded by Sgt. Villar, motion carried unanimously.

Case #12 – Arnold J. Orozco. Dr. Polakowski made a motion to *Initiate Proceedings*, seconded by Sgt. Villar, motion carried unanimously.

Case #13 – Ryan E. Ottosen. Sgt. Villar made a motion to *Initiate Proceedings*, seconded by Director Vanderpool, motion carried unanimously.

Case #14 – Marc A. Zuyus. Sgt. Villar made a motion to close the case with *No Action*, seconded by Mr. Duarte, motion carried unanimously.

J. CALL TO THE PUBLIC

No one wished to address the Board during the call to public.

K. ADJOURN

Chairman Butler adjourned the meeting at 11:40 a.m.

Dated: May 30, 2006

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Sandra L. Sierra, Recording Secretary



Minutes approved as written.

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Gary Butler, Chairman